

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY PIETOSO,

Petitioner,

v.

UNITED STATES FEDERAL  
PRISON,

Respondent.

Civil Action No. 07-276 Erie

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on October 12, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on May 14, 2008 [14], recommends that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at FCI McKean, where he is incarcerated, and his objections were filed on May 22, 2008 [15]. After de novo review of the petition and documents in the case, together with the Report and Recommendation, Petitioner's objections and Respondents response thereto, the following order is entered:

AND NOW, this 29<sup>th</sup> day of May, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DENIED. IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Chief Magistrate Judge Baxter, entered on May 14, 2008 [14], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, Chief U.S. Magistrate Judge